

Message Text

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ACTION L-02

INFO OCT-01 EA-06 ISO-00 IO-10 OIC-02 CIAE-00 INR-07

NSAE-00 SS-15 NSC-05 SP-02 /050 W

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R 151005Z MAY 75

FM AMEMBASSY MANILA

TO SECSTATE WASHDC 3423

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E.O. 11652: N/A

TAGS: PINT, RP

SUBJECT: ICJ: WILLIAM BUTLER VISIT

1. WILLIAM BUTLER CALLED ON AMBASSADOR AFTERNOON MAY 15 TO REPORT THAT IN COURSE OF TWO AND HALF HOUR MEETING WITH PRESIDENT MARCOS HE HAD OBTAINED AGREEMENT AND ALLEGEDLY FULL SUPPORT OF PRESIDENT FOR ICJ TO CONDUCT 8 MONTH STUDY OF "JUDICIAL PROCESSES" OF PHILIPPINES. AMBASSADOR SUGGESTED THAT FOR STUDY TO BE MOST EFFECTIVE IT BE CONDUCTED BY PROMINENT INTERNATIONAL PANEL RATHER THAN AMERICAN. BUTLER APPEARED ACCEPT COGENCY OF THIS ADVICE AND WE HOPE DEPARTMENT WILL UNDERSCORE THIS POINT.

2. HE HAS HELD EXTENSIVE MEETINGS WITH GOVERNMENT AND OPPOSITION SIDES AND RECEIVED, IN BUTLER'S WORDS, BEST COOPERATION ANY GOVERNMENT HAS EXTENDED TO ICJ REPRESENTATIVE. MARCOS ALSO ARRANGED FOR HIM TO SEE AQUINO AND LOPEZ/OSMENA. VISIT WILL CONCLUDE WITH OBSERVATION OF AQUINO PERPETUATION PROCEEDINGS MAY 16.

3. BUTLER RAISED JEROME COHEN INVITATION WITH BOTH MARCOS AND AQUINO. MARCOS SAID HE DID NOT THINK HE WOULD BE ABLE TO LET AQUINO GO BECAUSE MILITARY WOULD ACCUSE HIM OF INCONSISTENCY (THIS IS OLD MARCOS SAW). ALTHOUGH AQUINO DID NOT COMMENT DIRECTLY, BUTLER SAID AQUINO CONVEYED NEGATIVE REACTION TO INVITATION. HE FOUND AQUINO, LIMITED OFFICIAL USE

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INCIDENTALLY, IN FINE FETTLER.

4. COMMENT: ALTHOUGH BUTLER HAS CONSISTENTLY SUGGESTED THAT STUDY IS TO CONFINE ITSELF TO "OBJECTIVE" EVALUATION OF JUDICIAL PROCESSES, HE ALSO INDICATED IN DISCUSSION WITH AMBASSADOR THAT STUDY WOULD ADDRESS ITSELF TO WHETHER CONTINUATION OF MARTIAL LAW JUSTIFIED. EXECUTIVE HAS RIGHT, HE SAID, TO INITIATE MARTIAL LAW BUT AT SOME POINT COURTS MUST RULE ON VALIDITY IN ORDER DEMONSTRATE SUPREMACY OF RULE OF LAW OVER RULE OF MAN. WHILE MARCOS HAS OFFERDD COOPERATION AND DESIRE TO ACCOMMODATE TO ICJ STANDARDS, HE MAY FIND ICJ EVALUATION MORE VEXING THAN HE CURRENTLY ANTICIPATES.
SULLIVAN

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